

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA, \*

PLAINTIFF, \*

V. \* CASE NO.2:06CR148-WHA

BENJANIN L. VANBUREN, \*

DEFENDANT. \*

**MOTION TO CONTINUE TRIAL**

Comes now the defendant, by and through undersigned counsel, and submits the following:

1. The trial of this case is set for the term beginning October 24, 2006.

2. The defendant is charged with conspiracy to possess with intent to distribute methamphetamine, possession with intent to distribute same and use/carry of a firearm during a drug trafficking offense.

3. Undersigned counsel and the government have been in good faith negotiations to resolve this case without the necessity of a trial. There are some difficult issues that have arisen that remain unresolved and need to be resolved before a decision regarding a final resolution of this case can be made.

4. There is also pending a motion to suppress that counsel believes will substantially affect negotiations in

this case.

5. It is believed that it would be beneficial to both parties and to the interest of justice for the court to allow additional time for research and trial preparation and for negotiations in this case.

6. In addition to the above undersigned counsel has a criminal jury trial set before this Court in the case of U. S. v. Floyd, et. al., Case No.:3:05cr234-WHA, during the same trial term.

7. Defendant's counsel is in need of additional time to prepare for the trial of the case, and for negotiation.

8. Undersigned counsel announced at the recent pretrial hearing that defendant intended to request a continuance of the trial, and the Government did not object to same at the pretrial hearing. Undersigned counsel has been unable to confer further with Assistant United States Attorney Terry Moorner regarding the Government's position on this motion since the pretrial hearing of September 25, 2006.

9. A waiver of speedy trial will be filed by defendant as soon as counsel receives it from the defendant. The defendant is currently detained in Gwinnett County, Georgia.

Wherefore, because of the above reasons undersigned counsel requests that the trial in the above styled case be set to a later trial term.

Respectfully submitted this 27th day of September, 2006.

s/Jeffery C. Duffey  
JEFFERY C. DUFFEY  
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Bar No. ASB7699F67J

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of September, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following: Terry Moorner, AUSA, P.O. Box 197, Montgomery, AL 36101.

s /Jeffery C. Duffey  
JEFFERY C. DUFFEY  
Attorney for  
Defendant Van Buren